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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHOI, STEPHEN

ART UNIT PAPER NUMBER

3724

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,743

Applicant(s)

GYLLERSTROM, KENNETH
VINCENT

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2002 and 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 10,23,28,32 and 38-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41 is/are allowed.
- 6) ☒ Claim(s) 1-9,11-14,19-22,24-27,29-31 and 33-37 is/are rejected.
- 7) ☒ Claim(s) 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 24 May 2002 does not include a copy of form PTO-14449 as stated by the applicant. However, references filed along with IDS have been considered by the Examiner and listed on the attached PTO-892 except for GB 2,116,470 which has been already considered on IDS filed on 24 October 2000.

Election/Restrictions

2. In view of Applicant's amendment and arguments, claims 25-27, 29-31, and 33-37 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

3. Newly submitted claim 40 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the process as claimed can be used to make other and materially different product such as a razor not having a biasing element spaced from a connector assembly and disposed between a shaving head and a handle.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 40 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-9, 11-13, 25-27, 29-31, and 33-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10, "said rest position" lacks positive antecedent basis. Line 11, it is not clear whether "a rest position" is the same position as "said rest position" on line 10 or not.

In claims 25 and 33, it is not clear what is meant by "in the same orientation". It is not clear what is meant by "to pivot about said razor cartridge longitudinal axis in a rolling movement" and "to pivot about said shaving head longitudinal axis in a rolling movement". The longitudinal axis is perpendicular to the transverse axis which is parallel to the cutting edge.

In claim 31, "said post and pin" lacks positive antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferraro et al. (US 5,953,824).

Ferraro discloses all the positively recited elements of the invention including:

- a) a handle having a longitudinal axis (col. 1, line 63);
- b) a shaving head carrying at least one blade with at least one cutting edge and defining a transverse axis parallel to the at least one cutting edge (a razor head);
- c) a connector assembly movably coupling the handle to the shaving head (10a, 10b);
- d) a biasing element spaced apart and separate from the connector assembly and disposed between the shaving head and the handle (30, 60);
- e) the connector assembly permitting the shaving head to exhibit a first movement toward and away from the handle in and out of the rest position (see Figure 4, the swivel movement of the connector assembly causes at least one side of the shaving head to exhibit a movement toward and away from the handle) and a pivoting second movement (col. 3, lines 37-41) wherein the biasing element biases the shaving head into the rest position against the first movement and the second movement.

8. Claims 14, 19-22, 24-27, 29-31, and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawes et al. (US 6,311,400).

Hawes discloses all the positively recited elements of the invention including:

With respect to claims 14, 19-22, and 24:

f) a handle having a first end, a spaced second end, and a longitudinal axis extending between the first and second ends (20);

g) a shaving head carrying at least one blade with at least one cutting edge and defining a transverse axis parallel to the at least one cutting edge (2);

h) a connector assembly comprising a head-engagement element (14, 15, 15A, 24) and a handle-engaging element (23) movably coupling the handle to the shaving head;

i) a biasing element being at least one leaf spring having a free end and a cam surface and biasing the shaving head into a rest position (18), the biasing element formed integrally with the first end of the handle;

j) a projection (9).

It is noted that element 24 moves with respect to element 23 to permit the shaving head to exhibit a movement toward and away from the handle.

With respect to claim 22:

k) two leaf springs (28).

With respect to claims 25-27 and 29-31:

l) a handle (20);

m) a razor cartridge carrying at least one blade with at least one cutting edge and defining a transverse axis parallel to the at least one cutting

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edge, the razor cartridge having a longitudinal axis perpendicular to the transverse axis (2);

n) a connector assembly provided between the handle and the razor cartridge to couple the razor cartridge removably to the handle wherein the connector assembly including a cartridge-engaging element being an insertion element including a first post with a first pin and a second post with a second pin (14, 15) on the handle and a handle-engaging element being at least one cutout including a first cutout and a second cutout (15A) on the razor cartridge wherein the first and the second posts are resiliently movable with respect to each other;

o) the cartridge-engaging element and the handle-engaging element are configured to permit the razor cartridge simultaneously and independently to pivot about the transverse axis in a pitching movement, to move toward and away from the handle with the transverse axis remaining in the same orientation in a cushioning movement, and to pivot about the razor cartridge longitudinal axis in a rolling movement (engagement of element 15 and 15A permits pitching, cushioning, and rolling movement of the razor cartridge);

p) a bottom surface with a camming surface (9);

q) a biasing element (18, 23) spaced from the connector assembly.

With respect to claims 33-36:

r) a handle (20);

- s) a shaving head carrying at least one blade with at least one cutting edge and defining a transverse axis parallel to the at least one cutting edge and a longitudinal axis perpendicular to the transverse axis (2);
- t) a connector assembly comprising a head-engaging element (15) and a handle-engaging element (15A) movably coupling the shaving handle to the head wherein the head-engaging element and the handle-engaging element are configured for insertion of one into the other and movable with respect to each other when coupled together to permit the shaving head simultaneously and independently to pivot about the transverse axis in a pitching movement, to move toward and away from the handle with the transverse axis remaining in the same orientation in a cushioning movement, and to pivot about the shaving head longitudinal axis in a rolling movement (engagement of element 15 and 15A permits pitching, cushioning, and rolling movement of the razor cartridge);
- u) a bottom surface with a camming surface (9);
- v) a biasing element (18, 23) spaced from the head-engaging element and the handle-engaging element.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferraro et al. (US 5,953,824) in view of Coffin et al. (US 6,122,826).

Ferraro discloses the invention substantially as claimed except for at least one leaf spring. Coffin discloses a leaf spring (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a leaf spring as taught by Coffin on the device of Ferraro as an alternative biasing element.

Allowable Subject Matter

11. Claims 4-8 and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 41 is allowed.

Response to Arguments

14. Applicant's arguments with respect to claims 1-3, 9, and 11-14, 19-22, and 24 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 14, 19-22, and 24, Applicant's amendment necessitated the new grounds of rejection even though the rejections relied on the same reference.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC
December 1, 2002


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